

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,) Cause No. CR-05-96-BLG-JDS
)
Plaintiff,)
)
v.) **O R D E R**
)
ROBERT A. GREEN,)
)
Defendant.)
)

Presently before the Court is the Defendant's Motion to transfer venue. This motion is made pursuant to Fed.R.Crim.P. 21(b). The factors to consider in determining the appropriateness of a transfer are (1) location of the defendant; (2) location of possible witnesses; (3) location of events at issue; (4) location of relevant documents and records; (5) potential disruption of defendant's business; (6) expense of the parties; (7) location of defense counsel; (8) relative accessibility of the place of trial; (9) docket conditions of each potential district; and (10) any other special circumstances that might bear on the desirability of transfer. United States v. Carey, 152 F.Supp.2d 415 (S.D.N.Y. 2001).

In the present case the relevant considerations for the Court are that (1) the Defendant resides in Arizona; (2) most of the witnesses reside in Arizona; (3) the location of much of the evidence is in Arizona; (4) the allegedly illegal scheme was devised and originated in Arizona;

(5) Defendant's business is in Arizona; and (6) there would be a lesser financial burden on the taxpayers to try the case in Arizona.

Upon review of the case and after consideration of the Carey factors, IT IS HEREBY ORDERED that Defendant's Motion for transfer venue (*Doc. #26*) is GRANTED.

IT IS FURTHER ORDERED that Defendant's Motion to Continue the present trial date in this case (*Doc. #29*) is DENIED as MOOT.

The Clerk of Court shall notify the parties forthwith of the making of this Order.

DATED this 13th day of December, 2005.

/S/ Jack D. Shanstrom
Jack D. Shanstrom
Senior U.S. District Court Judge